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Remarks

In an Office Action dated 12 February 2004, claims 1, 2, 4, 13, 14, 16, 25, 26, 28 and claims 1-7, 13-19, 25 and 26 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,161,016 issued to Yarwood, and claims 27-31 under 35 U.S.C. §103(a) as being unpatentable over Yarwood as applied to claim 25 and further in view of U.S. Patent No. 6,081,536 issued to Gorsuch, claims 8-10, 20-22, 32-34 as being unpatentable over Yarwood in view of published U.S. Patent Application US 2002/0087401A1 to Leapman, and claims 11, 12, 23, 24, 35, 36 as unpatentable over Yarwood as applied to claims 1, 13, 25 and further in view of U.S. Patent No. 6,104,922 issued to Baumann.

Claims 1, 2, 4, 13, 14, 16, 25, 26, 28 are objected to due to the repetitive use of the phrase "said at least" therein. In addition, the claims 1, 13, 25 are objected to due to the repetitive use of terms in the phrase "communicate communication" therein. Applicant has amended the identified claims to remove the repetitive terms as suggested by the Examiner.

Anticipation Rejection Under 35 U.S.C. §102(e)

Claims 1-7, 13-19, 25 and 26 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,161,016 issued to Yarwood, noting with respect thereto:

As per claim 1: A communiqué wireless subscriber device for providing communiqué communication services to subscribers via a cellular communication network that includes a plurality of cell sites, each of which provides a plurality of wireless communication channels in a cell that covers a predetermined volume of space around a cell site transmitting antenna, said cellular communication network transmitting communiqués on at least one of said plurality of wireless communication channels reads on '016 (see sole figure; col. 5, lines 1-14; col. 6, lines 33-63), said communiqué wireless subscriber device comprising:

means for communicating on a wireless basis with at least one of said plurality of cell sites reads on '016 (see col. 2, lines 35-47).

means for storing a communiqué identifier that is not unique to said communiqué wireless subscriber device reads on '016 (see col. 6, lines 33-38).

means, responsive to said communiqué identifier, for selecting at least one of said at least one of said plurality of wireless communication channels to receive, concurrently with more than one of said plurality of wireless subscriber devices, said communiqués that are transmitted by said cell sites on said selected at least one of said plurality of wireless communication channels reads on '016 (see col. 9, lines 2-25).

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Applicant has reviewed the cited Yarwood reference, the Examiner's clearly stated grounds of rejection and in response thereto has amended the independent claims and presents the following remarks in support of patentability.

The Yarwood reference teaches an emergency channel broadcast system which enables a dispatcher to broadcast a brief voice dispatch message to cellular mobile units. The Yarwood system uses a mobile unit that either continuously monitors a predefined emergency dispatch channel or responds to a flood page by switching to a selected emergency dispatch channel in order to receive the dispatch. The use of the continuously monitoring capability to receive a dispatch is noted in the Yarwood disclosure as follows:

A mobile unit forming part of the broadcast system will be set to continually monitor this channel. The mobile units can also operate in the same way as normal mobile units, i.e. they are able to make and receive point to point calls. (column 4, lines 53-57)

Further, the Yarwood disclosure describes the conclusion of the dispatch:

Those mobile units in their idle state are already tuned to the broadcast channel in the selected areas, so they are immediately capable of receiving calls.

When the broadcast is finished, the dispatch centre will release the call, and the mobile unit returns to monitoring the broadcast channel. (column 5, lines 5-17)

Thus, the emergency dispatch system of the Yarwood disclosure effectively operates as a radio receiver, with the mobile unit being continuously tuned to the predefined emergency dispatch channel. The Yarwood disclosure notes the alternative embodiment where there is not a predefined emergency dispatch channel as follows:

To provide a flexible broadcast channel each mobile unit is allocated two identities; namely the unique identity which can be used for individual calls, as a standard cellular mobile unit, and an operational group identity for broadcast calls.

The basic operation of the mobile unit remains the same as in standard cellular practice in that the mobile unit is able to make and receive point-to-point calls. To set up a broadcast call a broadcast group identity is paged by all the base stations 11, 12, 13 in the broadcast area. Each mobile unit operating in the broadcast area which has that broadcast group identity responds to the base station as to a normal page. The first unit in each cell to respond is allocated a channel e.g. (F_x/T_a in Cell 1). Should there be another mobile unit in the same cell (e.g.

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Mb), it is instructed to tune to the same channel. In this way, only one channel is required for each cell, as in the previous embodiment. However, unlike the previous embodiment, if no mobile responds in a particular cell, no channel is allocated in that cell. (column 6, lines 37-51)

When the broadcast facility is no longer required, the dispatcher releases the call which stops the paging and releases the resources at each cell in the broadcast area. The mobile units can then resume normal cellular operation. (column 7, lines 13-16)

In both of these cases, the mobile unit can function as a standard cellular telephone and registers with the cellular network to receive standard point-to-point calls. However, the emergency dispatch channel does not authenticate the mobile units who receive the dispatch, but simply enables all mobile units who tune to the emergency dispatch channel to receive the dispatch thereby failing to limit the mobile units who receive the dispatch to authorized mobile units as specifically determined by the unique identity assigned to each mobile unit.

In contrast with the emergency dispatch broadcast of the Yarwood disclosure, Applicant's system registers each handset using the unique identifier that is assigned to each handset. This data is stored in the Communicate Location Register CLR which now knows both the present location of a given handset and the services that this handset is authorized to receive. The availability of a communicate that the handset is authorized to receive is communicated to the handset based on the suite of services that are listed in the CLR as authorized for this subscriber; and the handset then transitions to the selected communicate channel pursuant to the handset operator's direction. This specific capability is now clearly articulated in Applicant's claim 1 as amended:

A communicate wireless subscriber device for providing communicate services to subscribers, via a cellular communication network that includes a plurality of cell sites, each of which provides a plurality of wireless communication channels in a cell that covers a predetermined volume of space around a cell site transmitting antenna, said cellular communication network transmitting communicates on at least one of said plurality of wireless communication channels, said communicate wireless subscriber device comprising:

means for communicating on a wireless basis with at least one of said plurality of cell sites;

means for storing a communicate wireless subscriber device identifier that is unique to said communicate wireless subscriber device;

means for storing a communicate identifier that is not unique to said

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communiqué wireless subscriber device;

means for registering said communiqué wireless subscriber device with said cellular communication network using said communiqué wireless subscriber device identifier; and

means, responsive to said registration and a selection by said subscriber using said communiqué identifier, for selecting at least one of said plurality of wireless communication channels corresponding to said selection to receive, concurrently with more than one of said plurality of wireless subscriber devices, said communiqués that are transmitted by said cell sites on said selected at least one of said plurality of wireless communication channels.

Applicant believes that independent claim 1 is now allowable over the cited Yarwood disclosure and the remaining independent claims 13, 25 are allowable over the cited Yarwood disclosure for the reasons cited for independent claim 1 since these claims have also been amended in a manner that is analogous to independent claim 1. Applicant also believes that claims 2-7, 14-19, and 26 are allowable over the cited Yarwood disclosure since these claims depend on allowable base claims.

Rejection under 35 U.S.C. §103(a)

Claims 27-31 are rejected under 35 U.S.C. §103(a) as being unpatentable over Yarwood as applied to claim 25 and further in view of U.S. Patent No. 6,081,536 issued to Gorsuch, claims 8-10, 20-22, 32-34 as being unpatentable over Yarwood in view of published U.S. Patent Application US 2002/0087401A1 to Leapman, and claims 11, 12, 23, 24, 35, 36 as unpatentable over Yarwood as applied to claims 1, 13, 25 and further in view of U.S. Patent No. 6,104,922 issued to Baumann.

Applicant has reviewed the cited references as well as the Examiner's clearly stated grounds of rejection and believes that claims 11, 12, 23, 24, 27-31, 35, 36 are allowable over the cited Yarwood, Gorsuch and Baumann Patents since these claims depend on allowable base claims.